

### **REMARKS**

Claims 29 and 54 have been amended herein. Claims 25-30, 45, 54 and 55 remain pending in the Application. For the reasons set out below, reconsideration of the rejection of claims 25-30, 45, 54 and 55 is respectfully requested.

Claims 29 and 40 were amended to change the spelling of the word “labelling” to --labeling-- as suggested in the Action.

### **The Pending Claims Are Not Anticipated or Obvious in View of the Applied Art**

The Action is the second, non-final office action in the case.

Claims 25, 26, 27, 29, 54 and 55 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Flint, U.S. Patent No. 6,453,419 (referred to as “‘419”).

Claims 28, 30 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over ‘419 in further view of Wiegel U.S. Patent No. 6,484,261 (hereinafter “‘261”).

These rejections are respectfully traversed.

### **The Applied References Do Not Disclose or Suggest the Features and Relationships Recited in Applicants’ Claims**

Anticipation pursuant to 35 U.S.C. § 102 requires that a single prior art reference contain all the elements of the claimed invention arranged in the manner recited in the claim. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983).

Anticipation under 35 U.S.C. § 102 requires in a single prior art disclosure, each and every element of the claimed invention arranged in a manner such that the reference would literally infringe the claims at issue if made later in time. *Lewmar Marine, Inc. v. Barient, Inc.*, 822 F.2d 744, 747, 3 USPQ2d 1766, 1768 (Fed. Cir. 1987).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131.

Anticipation by inherency requires that the Patent Office establish that persons skilled in the art would recognize that the missing element is necessarily present in the reference. To establish inherency the Office must prove through citation to prior art that the feature alleged to be inherent is "necessarily present" in a cited reference. Inherency may not be established based on probabilities or possibilities. It is plainly improper to reject a claim on the basis of 35 U.S.C. § 102 based merely on the possibility that a particular prior art disclosure could or might be used or operated in the manner recited in the claim. *In re Robertson*, 169 F.3d 743, 49 U.S.P.Q. 2d 1949 (Fed. Cir. 1999).

Before a claim may be rejected on the basis of obviousness pursuant to 35 U.S.C. § 103, the Patent Office bears the burden of establishing that all the recited features of the claim are known in the prior art. This is known as *prima facie* obviousness. To establish *prima facie* obviousness, it must be shown that all the elements and relationships recited in the claim are known in the prior art. If the Office does not produce a *prima facie* case, then the Applicants are under no obligation to submit evidence of nonobviousness. MPEP § 2142.

The teaching, suggestion, or motivation to combine the features in prior art references must be clearly and particularly identified in such prior art to support a rejection on the basis of obviousness. It is not sufficient to offer a broad range of sources and make conclusory statements. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

Even if all of the features recited in the claim are known in the prior art, it is still not proper to reject a claim on the basis of obviousness unless there is a specific teaching, suggestion, or motivation in the prior art to produce the claimed combination. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1568, 1 USPQ2d 1593 (Fed. Cir. 1987). *In re Newell*, 891 F.2d 899, 901, 902, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

The evidence of record must teach or suggest the recited features. An assertion of basic knowledge and common sense not based on any evidence in the record lacks substantial evidence support. *In re Zurko*, 258 F.3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001).

It is respectfully submitted that the Action does not meet these burdens.

**Pending Claims 25, 26, 27, 29, 54, and 55 Are Not Anticipated By '419**

In the Action claims 25, 26, 27, 29, 54, and 55 were rejected under 35 U.S.C. § 102(b) as being anticipated by '419. This rejection is respectfully traversed.

In the application, a method is disclosed and claimed for displaying access policies for a security service for a computer network. The computer network described has a set of defined users and a set of defined resources or services. The display of the access policies is exemplified in Figure 5 of the application. As may be seen from Figure 5, and the accompanying description, the method provides for the display of access policies in a grid format. The grid labels are on

two axes. The grid is defined to have nodes that are aligned with respect to each of the two axes. The axes have labels that relate to users and to resources or services in the computer network. According to the recited method, the access permitted for a particular user to a particular resource or service, is displayed by the node in the grid corresponding to the label for the user and the label for the resource or service.

In comparison, the disclosure of the '419 reference describes the use of decision trees to define access rules for a firewall (see Col. 3, line 61). The '419 reference describes a system in which the decision tree is traversed to arrive at a terminal node that either defines successful communication across a firewall or rejection of the sought communication across the firewall (Col. 4, lines 37-44). The approach of the '419 reference is therefore submitted to be quite different from that recited in the claims, which represents access policies in a decision tree manner at the grid GUI level.

#### **Claim 54**

Turning in particular to the rejection raised in the Action with respect to claim 54, it is noted that the claim expressly recites sets of defined users and of resources and services for a computer network. The '419 reference is concerned with control of communication across a firewall and is not generalized to deal with access of resources and services within a network as is set out in claim 54.

In addition, claim 54 defines the step of displaying nodes in a grid, the nodes being laid out on a first and on a second axis. The Examiner suggests that Col. 2, lines 51-52 of the '419 reference teach this arrangement of nodes in a grid on two axes. It is respectfully submitted that

the '419 reference teaches the display of an access rule using a decision tree that is not defined by nodes in a grid. The approach of the '419 reference is to traverse a decision tree, a process that does not disclose or suggest any grid arrangement. In contrast, the location of nodes in the grid arrangement in the method of claim 54 is integrally related to the definition of the access rules.

This is apparent from the elements of claim 54 specifying user labels on one axis of the grid and grid resource labels on the other axis. This permits the nodes (in the grid) found at the intersection of a user labeled axis and a resource labeled axis to define the access policy for the specified user and the specified resource. In contrast, the '419 reference has no axis corresponding to user data and the location of nodes in the decision tree of the '419 reference system have no relationship to user data whatsoever. In the application, the locations of nodes in the display of claim 54 determine the association of access rules with specified network users.

This difference can be seen by the fact that in the '419 reference users are potentially specified by being listed within a node itself (see Col. 5, lines 29-31), not by the location of the node in a grid arrangement as is the case with the method of claim 54.

This difference relates to the way in which the respective systems operate. The '419 reference sets out a decision tree that is traversed when communication is attempted across a firewall. User information may be relevant but it is defined within a given node in the decision tree. This approach differs from the method as recited in claim 54, in which user labels are found on an axis in the grid and the location of nodes in the grid has a meaning that is not taught or suggested in the decision tree approach of the '419 reference. Consequently it is respectfully

submitted that the '419 reference does not anticipate the method of claim 54 and the rejection should be withdrawn.

### **Claims 55 and 25**

In the Action the Examiner asserted that claims 55 and 25 were rejected based on a “similar rationale” as claim 54. For the reasons set out above with respect to claim 54, it is submitted that the rejections of claims 55 and 25 should be withdrawn as well.

### **Claim 26**

In the Action, the Examiner rejected dependent claim 26 based on the '419 reference at Col. 3, lines 31-47. Claim 26 recites that the user labels for one of the axes in the grid correspond to a business relationship tree data structure. It is respectfully submitted that the '419 reference at Col. 3, lines 31-47 neither describes nor suggests the use of a business relationship tree data structure nor does it disclose the use of such a structure to define axis labels. The '419 reference does describe different “regions” within a network but does not refer to a business relationship tree data structure. The '419 reference does not disclose the use of user labels in representing access policies, neither does the '419 reference disclose the use of business relationship tree data in the display of access policies. For this reason, in addition to those reasons provided above with respect to claim 54, it is submitted that the rejection of claim 26 should be withdrawn.

### **Claim 29**

The Examiner has rejected independent claim 29 on the basis that it is anticipated by the '419 reference. It is respectfully submitted that the '419 reference does not teach the interface defined in claim 29 for reasons parallel to those set out above with respect to the objection to claim 54. In particular, the '419 reference does not specify a grid arrangement in which the location of the nodes has a significance for access policies for users, user labels being located on one axis of the grid and resources and services labels being found on the other axis of the grid.

For the above reasons, it is therefore respectfully submitted that the 102(b) rejection of claim 29 should be withdrawn.

**Pending Claims 28, 30 and 45 Are Not Obvious Over '419 in view of '261**

In the Action claims 28, 30 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over '419 in view of '261. These rejections are respectfully traversed. Applicant's response to these rejections is based on the Office's referenced interpretation of these references. Thus, any change in the Office's interpretation of '419 and '261 shall constitute a new ground of rejection.

For the reasons set out above with respect to claim 54, it is submitted that claim 28, 30 and 45 elements relating to nodes in a grid in which one axis relates to users and one axis relates to resources and services is not taught by '419 or by '419 in combination with '261. The '261 reference does not disclose or suggest the use of a grid arrangement for the display of access policies.

Additionally, the '261 reference does not teach the use of an access policy editor for defining nodes in a grid. Rather the '261 reference describes the use of icons which may be applied directly to a graphical representation of a network object (users, NT domains, individual machines and so forth). This approach differs from the grid-based display described in claims 28, 30 and 45 in which the access policy editor utilizes icons in defining the node that contains the access policy. The approach of dragging access policies "over an icon representing a network object" does not make obvious the approach of utilizing an access policy editor for defining the content of nodes found in the grid display of these claim.

For these reasons it is respectfully submitted that the rejections of claims 28, 30 and 45 be withdrawn.



### **Additional Claim Fees**

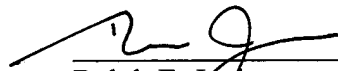
There is no fee is due with the submission of this Response. However, for any other fees due associated with the prosecution of this Application, please charge Deposit Account No. 10-0637 of Walker & Jocke.

### **Conclusion**

Each of Applicants' pending claims specifically recites features and relationships that are neither disclosed nor suggested in any of the applied art. Furthermore, the applied art is devoid of any such teaching, suggestion, or motivation for combining features of the applied art so as to produce Applicants' invention. Allowance of all of Applicants' pending claims is therefore respectfully requested.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Examiner's convenience.

Respectfully submitted,



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Ralph E. Jocke      Reg. No. 31,029  
231 South Broadway  
Medina, Ohio 44256  
(330) 722-5143